

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Isabel Cifarelli	Team: Squad #11	CCRB Case #: 202000110	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 01/03/2020 2:40 PM	Location of Incident: [REDACTED]	Precinct: 69	18 Mo. SOL 7/3/2021	EO SOL 2/17/2022	
Date/Time CV Reported Mon, 01/06/2020 3:48 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 01/06/2020 3:48 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Dukens Riche	17195	951138	069 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Zuleysha Julienredford	03188	961847	069 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Dukens Riche	Force: Police Officer Dukens Riche used physical force against § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On January 6, 2020, § 87(2)(b) filed this complaint with the CCRB via phone.

On January 3, 2020 at approximately 2:40p.m., PO Dukens Riche and PO Zuleysa Julien Redford of the 69th Precinct were in their vehicle blocking traffic at § 87(2)(b) in Brooklyn following an accident at § 87(2)(b) earlier that day. § 87(2)(b) drove past the police vehicle, positioned across § 87(2)(b), and was pulled over by PO Riche and PO Julien Redford in the vicinity of § 87(2)(b). § 87(2)(b) stepped out of his vehicle as PO Riche and PO Julien Redford approached. PO Riche allegedly pushed § 87(2)(b) against his vehicle (**Allegation A: Force**, § 87(2)(g)).

Following the stop of his vehicle, § 87(2)(b) was issued a summons for reckless driving. The investigation obtained two NYPD body-worn camera videos of the incident.

Findings and Recommendations

Allegation (A) Force: Police Officer Dukens Riche used physical force against § 87(2)(b)

The investigation obtained footage from the body-worn cameras of PO Riche and PO Julien Redford (BR 01-02). PO Riche's BWC from 0:32-0:36 shows PO Riche on the sidewalk approaching § 87(2)(b)'s vehicle. The front door of § 87(2)(b)'s vehicle is open, and § 87(2)(b) is stepping out. PO Riche walks toward § 87(2)(b) tells him to get back in his vehicle, and asks for his driver's license and registration. § 87(2)(b) takes a step back toward his vehicle. In a screenshot taken from the 0:35 mark of the video, PO Riche's right hand appears to be on § 87(2)(b)'s left wrist (BR 03). This is the only part of this segment of footage during which either of PO Riche's hands are visible. It is not clear from PO Riche's body-worn camera footage whether he pushes § 87(2)(b). PO Julien Redford's body-worn camera footage does not capture this portion of the incident.

§ 87(2)(b) testified that he exited his vehicle § 87(2)(b) in Brooklyn and closed the door (BR 04-05). He then observed PO Riche and PO Julien Redford's vehicle pulling up behind and to the right of his own. PO Riche and PO Julien Redford exited the vehicle. PO Riche approached § 87(2)(b) and told him to get back in his car. § 87(2)(b) asked what he had done. PO Riche pushed § 87(2)(b) on his chest, toward the car, told him again to get back in his car, and told him to give him his driver's license, registration, and insurance. § 87(2)(b) got back in his vehicle and provided his documents to PO Riche.

PO Riche testified that as he approached § 87(2)(b)'s vehicle, the driver's door was open, and § 87(2)(b) had stepped out of the vehicle (BR 06). PO Riche did not know if § 87(2)(b) had taken any steps away from his vehicle, but he was standing close to the vehicle. PO Riche walked toward § 87(2)(b) to block his path, told him to get back in his vehicle, and asked for his driver's license, registration, and insurance. PO Riche told § 87(2)(b) to get back in the vehicle for the officers' and § 87(2)(b)'s safety, and to prevent him from fleeing the scene. PO Riche blocked § 87(2)(b)'s path by standing directly in front of § 87(2)(b) with his hand out in front of him. PO Riche was standing approximately an arm's length away from § 87(2)(b) with his hand close to § 87(2)(b) but not touching him. § 87(2)(b) was not doing anything physically other than standing next to the car and speaking. PO Riche told § 87(2)(b) multiple times to get back in the vehicle and asked multiple times for his driver's license, registration, and insurance, though he did not recall specifically how many times he asked. § 87(2)(b) was standing outside the vehicle with PO Riche for approximately three or four seconds before getting back into his vehicle. There was no physical interaction between PO Riche and § 87(2)(b) during this time. PO Riche did not ever touch or push § 87(2)(b).

When presented with a portion from his own body-worn camera footage from 0:26-0:40, PO Riche recognized the scene and observed in the footage that § 87(2)(b) took a step back toward his vehicle. PO Riche believed that § 87(2)(b) took this step back in response to PO Riche

approaching him with his left hand up. He did not make any physical contact with § 87(2)(b). His right hand never made contact with § 87(2)(b).

PO Julien Redford testified that when she reached the driver's side of § 87(2)(b)'s vehicle, § 87(2)(b) was standing outside of his vehicle (BR 07). PO Riche told § 87(2)(b) multiple times to get into his vehicle and asked for his driver's license and registration. § 87(2)(b) was moving his arms around and moving his upper body side to side. He did not move away from or toward the car. He stayed at the driver's side of the vehicle and did not take any additional steps. PO Riche was standing one foot from § 87(2)(b) and was not doing anything physically. He was not doing anything with his hands. There was no physical interaction between PO Riche and § 87(2)(b) and at no point did any part of PO Riche's body make physical contact with § 87(2)(b).

Neither body-worn camera video captures an officer pushing § 87(2)(b) on his chest as alleged. § 87(2)(g)

§ 87(2)(b)
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Civilian and Officer CCRB Histories

- This is the second complaint to which § 87(2)(b) has been party (BR 08).
 - § 87(2)(b)
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- PO Riche has been a member of service for 9 years and has been the subject of 7 other allegations in 4 other CCRB complaints with no substantiations (see officer history). § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- On December 4, 2020, a request for any Notice of Claim being filed regarding this complaint was sent to the Office of the New York City Comptroller. The response will be added to the case file upon receipt (BR 09).
- § 87(2)(b)
§ 87(2)(b)

Squad No.: 11

Investigator: Isabel Cifarelli Inv. Isabel Cifarelli 12/30/20
Signature Print Title & Name Date

Squad Leader: Edwin Pena IM Edwin Pena 01/06/20
Signature Print Title & Name Date

Reviewer:

Signature

Print Title & Name

Date